

HAVE FAITH IN GOD AND THE PEOPLE.

SPEECH

OF

HON. WM. D. KELLEY,  
OF PENNSYLVANIA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 15, 1864.

The House having under consideration the following joint resolution proposing amendments to the Constitution of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, two-thirds of both houses concurring, the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

ARTICLE 13.

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

Mr. KELLEY said: Mr. Speaker, madness and despair rave, and I shall consume none of the brief time allotted me by following the gentleman from Kentucky, [Mr. MALLORY,] who has just taken his seat. Nor do I avail myself of the floor in the hope that I can say anything which will change the mind of the House on the question now before it; but, sir, the privilege is not often given to men to perform an act the influence of which will be felt beneficently by the poor, the oppressed, the ignorant, and the degraded of all lands, and which will endure until terminated by the wreck of matter and the crush of worlds. And I rise that I may thus publicly thank God and the good people by whose suffrages I am here to-day for the golden opportunity afforded me of doing such an act.

When the proposed amendment to the Constitution shall have been adopted and approved by the Legislatures, as I hope it will be, that instrument will be perfect as the genius of man can conceive. Experience, as the ages roll away, may it is true, suggest improvements, but my poor imagination presents none. We were asked this morning whether we are wiser than the framers of our Government. I utter no word, I think no thought of disparagement of those great men. They were good men and were wise

in their day and generation, but all wisdom did not die with them, and we are expiating in blood and agony and death and bereavement one of their errors—the unwise compromise they made with wrong in providing for the toleration and perpetuation of human slavery. The Convention which framed the Constitution unwisely compromised with wrong, and the bill before the House proposes to submit their work to the people, through the States, for revisal in this particular. It was not unknown to many of them that evil must result from their action. They knew and said while in the Convention that right and wrong were in eternal conflict, and that the avenging God was ever on the side of right.

In proof of this I turn not to the remarks of men from New England, not to those from dear old Pennsylvania, but of those who represented Virginia in that august assemblage. I hold in my hand the third volume of Eliot's Debates of the Convention which framed the Constitution of the United States, and I quote from Mr. George Mason, of Virginia, when speaking, June 15, 1788, on the first clause of the ninth section of article one of the Constitution:

"Mr. Chairman," said he, "this is a fatal section, which has created more danger than any other. The first clause allows the importation of slaves for twenty years. Under the royal Government this evil was looked upon as a great oppression, and many attempts were made to prevent it; but the interest of the African merchants prevented its prohibition. No sooner did the Revolution take place than it was thought of. It was one of the great causes of our separation from Great Britain. Its exclusion has been a principal object of this State, and most of the States in the Union. The augmentation of slaves weakens the States, and such a trade is diabolical in itself and disgraceful to mankind; yet by this Constitution it is continued for twenty years. As much as I value a union of all the States, I would not admit the southern States into the Union unless they agree to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the Union."

As he proceeded he spoke of "this detestable kind of commerce," and said "I have ever looked upon this as a most disgraceful thing to America. I cannot express my detestation of it."

Mr. Tyler, of Virginia, in the discussion of the same day, as I find on the very next page, "warmly enlarged on the impolicy, iniquity, and disgracefulness of this wicked traffic. He thought the reasons urged by gentlemen in defense of it were inconclusive and ill-founded. It was one cause of the complaints against British tyranny that this trade was permitted. The Revolution had put a period to it; but now it was to be revived. He thought nothing could justify it."

Thus all the wise and good men of that period denounced the system of unpaid labor and property in human beings as wicked, infamously wicked; and the trade in men, women, and children as diabolical. We who advocate this amendment do but propose to consummate that which the wisest and best men of that day wished to do in the Convention. We do but propose to advise the people to listen to their counsel and perfect their great work.

But the gentleman from Kentucky [Mr. MALLORY] says the season is inopportune. Sir, justice is ever in season, and it is

never inopportune to do right. But he also says that the rebellious States are in the Union, and yet we do not propose to allow them to vote on this measure. The people of those States are probably not aware of the fact that they are in the Union. They believe them to be out of the Union, and if they only knew as well as the gentleman from Kentucky does that they have a right to be represented here as well as at Richmond, I doubt not they would have their Representatives here to oppose our action on this question. If in the Union, why are their Representatives not here? Who expelled them from this House or the Senate Chamber? If the Constitution be amended by default of their votes there will be no ground for a motion to open or set aside the judgment, as, to say the least, the default is the result of their voluntary absence. Sir, he who does not sustain this resolution is recreant to the teachings of the fathers of our country; and did I not sustain it I would be especially false to the traditions of the great State which I have the honor in part to represent. In the course I pursue I am guided by the wise counsels of Benjamin Franklin and the men of Pennsylvania who with him carried that State through the revolutionary war, and gave form and spirit to her free institutions. While yet the revolutionary war was pending—more than three years before our national independence was acknowledged—on the 1st of March, 1780, in view of the fact that they then had “every prospect of being delivered” from British thralldom, they “extinguished and forever abolished” slavery in Pennsylvania. Time will not permit me to read the noble preamble to that act of Christian statesmanship; but I will hand it to the reporter that it may appear as part of my remarks in the Globe. Its spirit is that of the gospel, and its grand sentences seem to have been plucked from John Milton’s noblest essays:

Preamble to an act for the abolition of slavery in Pennsylvania.

When we contemplate our abhorrence of that condition to which the arms and tyranny of Great Britain were exerted to reduce us; when we look back upon the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied and our deliverance wrought, when even hope and human fortitude have become unequal to the conflict, we are unavoidably led to a serious and grateful sense of the manifold blessings which we have undeservedly received from the hand of that Being from whom every good and perfect gift cometh. Impressed with these ideas we conceive that it is our duty, and we rejoice that it is in our power, to extend a portion of that freedom to others which hath been extended to us, and release from that state of thralldom to which we ourselves were tyrannically doomed, and from which we have now every prospect of being delivered. It is not for us to inquire why, in the creation of mankind, the inhabitants of the several parts of the earth were distinguished by a difference in feature or complexion. It is sufficient to know that all are the work of an Almighty hand. We find in the distribution of the human species that the most fertile, as well as the most barren, parts of the earth are inhabited by men of complexions different from ours and from each other, from whence we may reasonably, as well as religiously, infer that He who placed them in their various situations hath extended equally His care and protection to all, and that it becometh not us to counteract His mercies. We esteem it a peculiar blessing granted to us that we are enabled this day to add one more step to universal civilization, by removing, as much as possible, the sorrows of those who have lived in undeserved bondage, and from which, by the assumed authority of the kings of Great Britain, no effectual

legal relief could be obtained. Weaned by a long course of experience from those narrow prejudices and partialities we had imbibed, we find our hearts enlarged with kindness and benevolence toward men of all conditions and nations, and we conceive ourselves at this particular period extraordinarily called upon, by the blessings which we have received, to manifest the sincerity of our profession and to give a substantial proof of our gratitude.

Sec. 2. And whereas the condition of those persons who have heretofore been denominated negro and mullato slaves has been attended with circumstances which not only deprive them of the common blessings that they were by nature entitled to, but has cast them into the deepest afflictions, by an unnatural separation and sale of husband and wife from each other and from their children—an injury the greatness of which can only be conceived by supposing that we were in the same unhappy case—in justice, therefore, to persons so unhappily circumstanced, and who, having no prospect before them whereon they may rest their sorrows and their hopes, have no reasonable inducement to render their service to society which they otherwise might, and also in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain.

Sec. 3. All persons, as well negroes and mulattoes as others, who shall be born within this State, shall not be deemed and considered as servants for life, or slaves, and all servitude for life or slavery of children, in consequence of the slavery of their mothers, in the case of all children born within this State from and after the passing of this act as aforesaid, shall be, and hereby is, utterly taken away, extinguished, and forever abolished.

Scarcely had the Congress of the United States assembled, when, as the president of an abolition society, Benjamin Franklin was admitted to the bar of the House of Representatives, that, bowing under the weight of honors and more than four score years, he might present the petition of the people of Pennsylvania praying Congress to follow the benign example of that State and abolish slavery. It was on the 12th of February, 1789. He drew the petition, which grateful thousands thronged to sign. And, as truth is immortal, let us listen to their words, and now, when we can aid in doing it constitutionally, grant, so far as in us lies the power, their prayer, by submitting the proposed amendment to the people. The petition reads as follows :

*“ To the Senate and House of Representatives of the United States :*

“ From a persuasion that equal liberty was originally the portion, and is still the birthright, of all men and influenced by the strong ties of humanity and the principles of their institutions, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bands of slavery and promote a general enjoyment of the blessings of freedom.

“ Under these impressions they earnestly entreat your serious attention to the subject of slavery ; that you will be pleased to countenance the restoration of liberty to those unhappy men who alone, in this land of freedom, are degraded into perpetual bondage, and who, amid the general joy of surrounding freedom, are groaning in servile subjection ; that you will devise means for removing this inconsistency from the character of the American people ; that you will promote mercy and justice toward this distressed race ; that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men.”

Let us, I repeat, heed, and, so far as we may, grant that petition. Who shall complain that the Congress of 1864 responds to the prayer of the men who secured our freedom and elaborated our institutions ? Who shall induce us to pause in this great work till millions of rebels return to loyalty and their soldiers lay down their arms and come to contest the policy of the act ? Sir,

they will probably be here before the Legislatures have all passed on the question. The dispatch just read told us that Grant is to the east of Richmond, and we know that Hunter's artillery thunders to the west of that doomed city. I apprehend legislation at Richmond is not done calmly to-day. We may deliberate, but they who address the Richmond congress most probably echo the ravings of the gentleman from Kentucky. Sir, what is it that we propose to do? Is it an act of doubtful power? No. It is simply to execute the fifth article of the Constitution of the United States, which provides :

*"Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, which shall be valid to all intents and purposes as part of this Constitution when ratified by three-fourths of the Legislatures of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress."*

We propose to submit to the wisdom, patriotism, and humanity of the people of the States of this Union an amendment in accordance with this article, and for that we are denounced by those who in the name of Democracy plead for the perpetuity of slavery as violating the Constitution. I repeat the question of my friend and colleague, [Mr. MYERS,] "do gentlemen upon the other side know of any one act done against this rebellion that has been done constitutionally?" Have they any other prayer than a prayer for the success of the rebellion, which will, in their judgment, save the Constitution by perpetuating and extending the area of human slavery? Their love of Democracy and the Constitution finds expression in degrading the laboring man to a thing of sale upon the auction-block, in shutting out from more than half our territory schools and churches and civilization in all its aspects, whether it be religion, science, art, or social life.

Sir, I arraign slavery as the efficient cause of every national evil we have endured. It put the vice with which we are now contending into the Constitution; it commenced a war upon the dignity of labor and the freedom of conscience and thought the very day our Government was organized; it inspired and gives physical power to the rebellion we are crushing at such fearful cost of vigorous life; and is, as it has been, the fruitful source of all our national woes.

The gentleman from Ohio [Mr. Cox] as usual avoided the subject under discussion, but cried out for the right of asylum. Sir, this sacred instrument, the Constitution of the United States, provides, section two, article four, that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." Does he not know that for more than thirty years those dear friends of his, for whose institution he and his party plead so fervently, have, notwithstanding this right so specifically guaranteed, denied not only the right of asylum, but the right of transit through their States to us, who doubted the wisdom or divinity of chattel slavery? He prates in behalf of the right of asylum for a slave-dealer, a slave-trader, one whom

the civilized world brands as a pirate. I have not studied the Arguelles case, but if it be bad as his partisan rhetoric paints it, it is but the returning of a "poisoned chalice" to "plague the inventor." The offspring of robbery, its life one continued crime, its only support despotic power, slavery has impaired the national regard for the rights of the individual. It was slavery that denied the right of asylum to the beautiful and accomplished daughter of Samuel Hoar, of Massachusetts, and expelled that venerable scholar, jurist, and statesman from the limits of South Carolina, whither he had gone to argue a great cause in her courts. It was slavery that did not deny the right of asylum to Wm. Lloyd Garrison, but offered \$20,000 to the man who would kidnap him and carry him to that State, that its humane dealers in the bodies and souls of men might flay him alive, or slowly burn him at the stake, as they sometimes did a refractory slave, or put him in a barrel with holes bored in it, that he might retain his consciousness while slowly starving to death, as he drifted in the river to which they might commit him, as other poor devotees of freedom had done when treated thus by them. It was slavery that by threats and demonstrations of violence, twice banished that friend of the Union and of mankind, George Thompson, from the limits of our country. And it is rather late to prate with lips that have praised all these acts of the right of asylum to a stealer of men and a violator of the laws of nations, which make the slave trade piracy. Devotion to slavery alone can prompt such mad gurrulity.

The gentleman from Kentucky said that we have made the South a unit. I deny the proposition. Sir, I believe that when the calamity of Ball's Bluff occurred we were contending against a unit. I believe that we encountered a unit at Bull Run. But it is so no longer. We have dispelled the vain pride of the South and broken its unity of purpose. We have conquered its contempt for the northern Yankee, and at no day since this rebellion began were so many southern men coming into our lines to rally around the old flag as there are to-day. You cannot get information from one of our armies, be it where it may, on any day that does not tell you of the tens and hundreds of deserters that come into our lines claiming the protection of the Constitution and restoration to the privileges and blessings of citizenship. I speak not of black men, but of white men. You cannot pass through the streets of this city any day without meeting southern people who have fled from the despotism for the perpetuation of which the leaders of the Democratic party plead to the freedom and security of the Constitution as administered by Abraham Lincoln. We make the people of the South a unit! We will indeed soon make them a unit if Grant and Sherman and the proudly victorious armies of freemen who bear their standards go on as they are going, and the bond of Union will be gratitude to those who will have freed them from

a fearful despotism and secured to them and their posterity the enlarged blessings of American citizenship.

The gentleman from Kentucky also said that we do not use our colored soldiers to fight, but pet and save them at the expense of our white soldiers. Did we save them at Fort Pillow? And let me pause to ask who crucified the men at Fort Pillow, and why it was done? But that your infernal institution had taught the people of the South to look upon men, women, and children as cattle, soulless beings, things to be scourged as you would scourge an unruly and dangerous animal, that horrible chapter would never have disgraced American history. It is not for you, the champions of slavery, to complain that the negro is not exposed sufficiently to the dangers of war, for your myrmidons have fled before them in many battles, and when they have overmastered them have tortured, burned, and crucified them under the teachings of that system of which we propose constitutionally to purge the Constitution of our country. Did we save the negroes at Port Hudson, Fort Wagner, Olustee, and Plymouth; or did you at each of these places illustrate the morality of your system? Your former colleagues are the defenders of slavery in arms, you are its defenders in this Hall to-day, and for the same reason; that is, because slavery is the strength of the rebellion, the power that is assailing our country, the only means by which the masses of white men, whose toil is their only wealth, can be reduced to ignorance and want, and the only possible means by which you can hope to restore to power that political organization which under the name of Democracy sought to subvert our free institutions.

What, asked the gentleman, are you going to do with the freed negroes? I will tell that gentleman a secret confidentially. Above us all there is a God—slave-owners have not generally known the fact—who will take care of His children. I will trust the freed negroes to the care of God, under our beneficent republican institutions. We are told that the cries of the laborer whose hire has been kept back by fraud enter into the ears of the Lord of Sabaoth; and if the State of Kentucky is to-day desolated by contending armies, it is because the Lord of Sabaoth is avenging the wrongs of His poor children, made dumb and voiceless by the atheistic laws of that State. It is the work of a just and avenging God punishing even in the third and fourth generation the wrongs done by your fathers and which you have not repented. And when the iron shall have so entered the sole of the aristocracy of the slave States as to make them feel in their despair that “verily there is a God” who controls the destinies of men and nations, and when they will trust to Him in His righteous power, the care of His children, this war will cease and peace again bless our country. When we break every yoke and let the oppressed go free, the broad fields that war has desolated will again blossom as the rose and reward the labor of the husbandman.

Let us protect our posterity against the possibility of a recur-

rence of these fearful evils. Let us not be content with crushing this rebellion. Let us not be content with producing all over the country loyalty to the flag. Let justice to all men be our aim. Let us establish freedom as a permanent institution, and make it universal. I appeal to those gentlemen on the other side of the House who shrink from the abhorrent doctrines of the leaders of their party; to those of you who have read the Beautitudes and remember that at your mothers' knees you lisped a prayer that God would deal gently even with those who had trespassed against you, to vote with us, and not withhold from the intelligent people of this country the right to pass upon this question so fraught with blessed or fearful consequences. We do not make the amendment. We cannot make it. We can but initiate it. Gentlemen, you who profess to have such abiding confidence in the people, will you let them have an opportunity to say whether the Constitution shall be constitutionally amended? In their name, in the name of Democracy, in the name of Humanity, in the name of Christianity, I pray you for once to make good your professions and confide in the people sufficiently to permit them to say yea or nay on the question whether they will peaceably and constitutionally extinguish the scourge and disgrace of our common country, human slavery.

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Lemuel Towers, Printer, corner Sixth street and Louisiana Avenue, Washington.